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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,079	07/16/2003	Kenneth L. Levy	P0856	1849
23735	7590	10/30/2007	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			WILLIAMS, JEFFERY L	
		ART UNIT	PAPER NUMBER	
		2137		
		MAIL DATE	DELIVERY MODE	
		10/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/622,079	LEVY ET AL.
	Examiner	Art Unit
	Jeffery Williams	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 30 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 30,36-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1 **DETAILED ACTION**

2

3 This action is in response to the communication filed on 8/15/07.

4 All objections and rejections not set forth below have been withdrawn.

5 Claims 30, 36 – 41 are pending.

6

7 ***Election/Restrictions***

8

9 Applicant's election of claims 30 and 36 - 39 in the reply filed on 8/15/07 is
10 acknowledged. Because applicant did not distinctly and specifically point out the
11 supposed errors in the restriction requirement, the election has been treated as an
12 election without traverse (MPEP § 818.03(a)).

13

14 ***Claim Rejections - 35 USC § 103***

15

16 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
17 obviousness rejections set forth in this Office action:

18 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
19 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
20 the prior art are such that the subject matter as a whole would have been obvious at the time the
21 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
22 Patentability shall not be negated by the manner in which the invention was made.

23

24

25 **Claims 30 and 36 – 41 are rejected under 35 U.S.C. 103(a) as being**
26 **unpatentable over Schmelzer, "Copyright Detection and Protection System and**

1 **Method”, U.S. Patent Publication 2003/0037010 in view of Razdan, “Real-time,**
2 **Distributed, Transactional, Hybrid Watermarking Method to Provide Trace-ability**
3 **and Copyright Protection of Digital Content in Peer-to-Peer Networks”, U.S.**
4 **Patent Publication 2002/0168082.**

5

6 Regarding claim 30, Schmelzer discloses:

7 *maintaining a limited list of content items, the list consisting of those content*
8 *items that are to be transmitted during a predetermined time period, the limited list of*
9 *content items being respectively associated with one or more fingerprints derived from*
10 *the content items themselves* (par. 34);
11 *deriving a fingerprint from a content item monitored from the network; and*
12 *interrogating the limited list of content items with the fingerprint to identify the monitored*
13 *content item* (par. 34)

14 Schmelzer does not appear to explicitly disclose that a network within a content
15 fingerprinting system may comprise broadcast network. Razdan discloses that
16 fingerprinting systems may comprise broadcast networks that broadcast content (par.
17 32, 37, 38). It would have been obvious to recognize the broadcasting features as
18 found within prior art fingerprinting systems such as Razdan within the fingerprinting
19 system of Schmelzer. This would have been obvious because one of ordinary skill in
20 the art would have been motivated by the advantages of a more flexible and socially
21 relevant system.

22

1 Regarding claims 36 – 41, they are rejected, at least for the same reasons as
2 claim 30, and furthermore because the prior art combination discloses the features of
3 *receiving a list of content items...storing the list of content items in a table or data*
4 *structure; receiving a content item, the content item comprising audio or video; deriving*
5 *a fingerprint from the content item itself...communicating a signal representing at least*
6 *the identified content item to a remote device* (Schmelzer, par. 33, 34, 79; fig. 1:121,
7 123; par. 47).

Response to Arguments

¹² but are moot in view of the new ground(s) of rejection.

Conclusion

16 The prior art made of record and not relied upon is considered pertinent to
17 applicant's disclosure:

See Notice of References Cited.

19
20 A shortened statutory period for reply is set to expire **3** months (not less than 90
21 days) from the mailing date of this communication.

1 Any inquiry concerning this communication or earlier communications from the
2 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-
3 7965. The examiner can normally be reached on 8:30-5:00.

4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
5 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
6 number for the organization where this application or proceeding is assigned is (703)
7 872-9306.

8 Information regarding the status of an application may be obtained from the
9 Patent Application Information Retrieval (PAIR) system. Status information for
10 published applications may be obtained from either Private PAIR or Public PAIR.
11 Status information for unpublished applications is available through Private PAIR only.
12 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
13 you have questions on access to the Private PAIR system, contact the Electronic
14 Business Center (EBC) at 866-217-9197 (toll-free).

15

16
17 J. Williams
18 AU: 2137


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER